AFTER FINAL EXPEDITED PROCEDURE

REMARKS

Claims 1 to 88 were pending in the application at the time of examination. Claims 1 to 3, 6, 10 to 12, 15, 21 to 23, 26, 30 to 32, 35, 41 to 43, 46, 50 to 52, 55, 61 to 63, 66, 78 to 80 and 83 stand rejected as anticipated. Claims 4, 5, 7 to 9, 13, 14, 16 to 20, 24, 25, 27 to 29, 33, 34, 36 to 40, 44, 45, 47 to 49, 53, 54, 56 to 60, 64, 65, 67 to 77, 79, 81, 82, and 84 to 88 stand rejected as obvious.

Claims 1 to 3, 6, 10 to 12, 15, 21 to 23, 26, 30 to 32, 35, 41 to 43, 46, 50 to 52, 55, 61 to 63, 66, 78 to 80 and 83 remain rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,226,744, hereinafter referred to as Murphy.

Applicant respectfully traverses the anticipation rejection of Claims 1, 21, 41, and 61 in view of Murphy. To make a prima facie anticipation rejection, the MPEP directs:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM
>
> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.". . . . < **"The identical invention must be shown in as complete detail as is contained in the ... claim."** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). **The elements must be arranged as required by the claim,** but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. (Emphasis Added.)

MPEP § 2131, 8th Ed., Rev. 5, p. 2100-67 (August 2006). It is noted that this directive stated the claim element in Murphy **"must be"** shown in as complete detail and arranged as required by the claim. This is not a permissive standard, but rather one that the rejection is required to comply with.

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AFTER FINAL EXPEDITED PROCEDURE

The anticipation standard in the MPEP does not permit extraction of teachings of one element of Murphy and applying those to another element because such a modification violates the "arranged as required by the claim" requirement. In addition, extracting elements and recombining them in a way that is different from the teachings of the reference is at best directed at obviousness, and particularly when the reference includes only general statements about possible recombinations of elements without any teaching of how to do such recombinations and still have the invention work for its intended purpose.

In particular, Murphy fails to teach or suggest how to implement server functionality on a client device and so general statements about combining a module on a client device—the smart card interface module--and a module on a server device—the authentication module—fails to teach that both are implemented on the client device. The reference is ambiguous at Col. 14, line 66 to Col. 15, line 4 in its teaching with respect to such combined modules. The MPEP is unambiguous in that the reference must teach the invention arranged as required by the claim.

Also, the anticipation standard does not permit ignoring explicit claim limitations, which violates the "in as complete detail as is contained in the claim" requirement. As demonstrated below, the rejection violated both of these requirements and so a prima facie anticipation rejection has not been made.

As an example, Claim 1 recites in part:

> determining, on a user device, digital content to be made accessible via a rights locker;
> determining, on said user device, enrollment authentication data;
> sending, from said user device, a rights locker enrollment request to a rights locker provider, said rights locker enrollment request comprising a

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digital content request and said enrollment authentication data;

All of these processes are performed on the user device. These claims expressly recite that a rights locker enrollment request is sent from the user device. This is not an authentication request but rather a rights locker enrollment request. The rights locker enrollment request is expressly defined in the claim as "comprising a digital content request and enrollment authentication data." Moreover, the request is sent to a specific entity "a rights locker provider." Thus, according to the claim, the request includes two parts and is sent from the user device to a rights locker provider.

The rejection failed to cite to any teaching of an enrollment request as defined in the claim and instead cited Col. 3 lines 35 and 36 and Col. 4 lines 1 to 7 (See Line 8 on pg. 3 of Final Action.) of Murphy. Respectively, Col. 3, lines 35, 36, and Col. 4, lines 1 to 7 stated:

> The client sends a request to the server to access restricted information stored by the server.
>
> Each network user is assigned a smart card that can be inserted into a smart card reader, that can in turn be inserted into a 3.5" floppy disk drive of a PC. User information is stored on the smart card. Authentication is accomplished by sending messages from the network (e.g., an Internet web site) to the users's PC to interrogate the smart card.

These sections of Murphy fail to describe a rights locker enrollment request sent from a user device as recited in these claims. The express claim language has been reduced to a gist--a first request to access restricted data from a client to a server, and a second different request sent to a smart card from the server.

Thus, the rejection first ignores the different directions of the two different requests in Murphy and the

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fact that the requests are to two different entities. Even if the modules of Murphy were somehow combined, such a combination does not change the teaching that the requests relied upon in Murphy are directed to two different entities and are not a single request including two parts as recited in these claims directed to a single entity that is different from the user device.

Since one of the requests of Murphy is directed to the smart card for user information, there is no teaching in Murphy that the smart card can be part of the server and it would make no sense to do so. Therefore, the citations to the generalized statements in Murphy do not correct the deficiency of Murphy. Any request to the smart card must still be directed at the user device and not the server. Irrespective of what makes the requests, one request for data access is to the server and the other for user information is directed to the smart card, which teaches away from the recitation in these claims that direct the enrollment request to a specific entity, the rights locker provider.

Further, the requests in Murphy are for data access and for authentication. Neither request in the above quoted sections of Murphy, upon which the rejection relied, teaches or suggests anything concerning enrollment let alone the specific request that includes two parts and is directed to a specific entity as recited in these claims.

Moreover, Murphy fails to teach

> receiving, on said user device, one or more authenticated rights locker access requests in response to said sending, said one or more authenticated rights locker access requests for subsequent use in accessing digital content associated with said rights locker

The authenticated rights locker access request is received in response to the sending the rights locker

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enrollment request as expressly recited in the Claim. The rejection stated:

> receiving, on said user device, an indication of a selection of one of said one or more authenticated rights locker access requests (column 3- lines 35-36, column 6- lines 50-54, requesting a PIN from the user establishes that the user is selecting to retrieve the information requested from the server);

The rejection incorrectly paraphrases the above quoted limitation and reduces "receiving . . . one or more authenticated rights locker access requests," to "receiving . . . an indication of a selection of one of said one or more authenticated rights locker access requests." Thus, the rejection itself demonstrates that the anticipation rejection has not been made, because the rejection failed to consider the claim in the same level of detail as recited in the claim.

Further, Murphy, Col. 3, lines 35, 36 were quoted above and teach nothing about a receiving process. Also, Col. 6, lines 50 to 54 of Murphy describes a two factor security check and the fact that such a security check uses a PIN fails to teach or suggest anything about authenticated rights locker access requests and fails to teach anything about receiving such requests or about when such requests are received on the user device, as recited in the claim.

The rejection fails to consider multiple express claim limitations. There are additional errors in the rejection, but of the numerous errors pointed out, only one is needed to overcome the anticipation rejection. Therefore, Murphy fails to anticipate these claims. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 21, 41, and 61.

Claims 2, 3 and 6 depend from Claim 1. Claims 22, 23, and 26 depend from Claim 21. Claims 42, 43 and 46 depend from Claim 41. Claims 62, 63, and 66 depend from Claim 61. Thus,

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each of these claims distinguishes over Murphy for at least the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 2, 3, 6, 22, 23, 26, 42, 43, 46, 62, 63 and 66.

Applicant respectfully traverses the anticipation rejection of Claims 10, 30, 50, and 78. Again, the rejection has simply taken words from the claims and found similar words in Murphy and has ignored the claim limitations associated with those words and the context in the teachings of Murphy. This level of analysis is not sufficient to support an obviousness rejection and in view of the above quoted requirements from the MPEP cannot form the basis for an anticipation rejection.

The above discussion with respect to the "rights locker enrollment request" is directly applicable to these claims and is incorporated herein by reference in place of repeating the remarks, because the rejection relied upon Murphy, Col. 3, lines 35, 36, and Col. 4, lines 1 to 5 in this rejection as well as in the rejection discussed above.

As taught by Murphy, the gateway server does authenticate the user, but upon authentication the user is simply granted access to the restricted information according to Murphy. There is no teaching of the processes recited in these claims if the user is authorized. For example, the rejection stated:

> creating, by said rights locker provider, one or more authenticated rights locker access requests based at least in part on said one or more tokens (column 5- lines 55-60)

However, Col. 5, lines 55 to 60 of Murphy are:

> Smart card 10 stores user information provided by the CA, such as tokens, digital signatures, certificates, tickets, PIN, human resources identification number, and

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so forth, or personal information provided by the user such as a social security number, birth date, mother's maiden name, etc.

The fact that a smart card may store tokens provided by a certified authority fails to teach or suggest anything concerning creating one or more authenticated rights locker access requests based on the tokens. Accordingly, the rejection has failed to demonstrate that Murphy teaches the invention in the same level of detail as recited in these claims. Therefore, Murphy fails to anticipate these claims for multiple reasons. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 10, 30, 50, and 78.

Claims 11, 12 and 15 depend from Claim 10. Claims 31, 32, and 35 depend from Claim 30. Claims 51, 52 and 55 depend from Claim 50. Claims 79, 80, and 83 depend from Claim 78. Thus, each of these claims distinguishes over Murphy for at least the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 11, 12, 15, 31, 32, 35, 51, 52, 55, 79, 80 and 83.

Claims 4, 5, 13, 14, 16, 24, 25, 33, 34, 36, 44, 45, 53, 54, 56, 64, 65, 81, 82, and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of U.S. Patent No. 7,083,095. Assuming the combination of references is correct, the additional information relied upon from the secondary reference fails to correct the deficiencies of Murphy, as noted above, with respect to the independent claims from which these claims depend, and incorporated herein by reference. Therefore, each of Claims 4, 5, 13, 14, 16, 24, 25, 33, 34, 36, 44, 45, 53, 54, 56, 64, 65, 81, 82, and 84 distinguishes over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the

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obviousness rejection of each of Claims 4, 5, 13, 14, 16, 24, 25, 33, 34, 36, 44, 45, 53, 54, 56, 64, 65, 81, 82, and 84.

Claims 7, 18, 27, 38, 47, 58, 75, and 86 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of U.S. Patent No. 6,601,173. Assuming the combination of references is correct, the additional information relied upon from the secondary reference fails to correct the deficiencies of Murphy, as noted above, with respect to the independent claims from which these claims depend, and incorporated herein by reference. Therefore, each of Claims 7, 18, 27, 38, 47, 58, 75, and 86 distinguishes over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 7, 18, 27, 38, 47, 58, 75, and 86.

Claims 8, 19, 28, 39, 48, 59, 76, and 87 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Steven W. Disbrow, "Use cookies to maintain state in Web applications," Active Server Developer's Journal, Vol. 4, Issue 9, pg. 7,3 Louisville, KY (Sept. 2000). Assuming the combination of references is correct, the additional information relied upon from the secondary reference fails to correct the deficiencies of Murphy, as noted above, with respect to the independent claims from which these claims depend, and incorporated herein by reference. Therefore, each of Claims 8, 19, 28, 39, 48, 59, 76, and 87 distinguishes over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 8, 19, 28, 39, 48, 59, 76, and 87.

Claims 9, 20, 29, 40, 49, 60, 77, and 88 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of U.S. Patent Application Publication No. 2002/0156905. Assuming the combination of references is correct, the additional information relied upon from the secondary reference fails to correct the deficiencies of Murphy, as

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noted above, with respect to the independent claims from which these claims depend, and incorporated herein by reference. Therefore, each of Claims 9, 20, 29, 40, 49, 60, 77, and 88 distinguishes over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 9, 20, 29, 40, 49, 60, 77, and 88.

Claims 68 to 74 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of an unstated Official Notice. Assuming that both the use of Official Notice, without declaring such notice, and the combination of references is correct, the additional information relied upon from the secondary reference fails to correct the deficiencies of Murphy, as noted above, with respect to the independent claims from which these claims depend, and incorporated herein by reference. Therefore, each of Claims 68 to 74 distinguishes over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 68 to 74.

Claims 1 to 88 remain in the application. For the foregoing reasons, Applicant respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

Respectfully submitted,

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No.571-273-8300, on September 25, 2007.

Amanda Ream — September 25, 2007 Date of Signature

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